

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

FROST SOLUTIONS, LLC,

Plaintiff,

v.

PATRICK BAGLIEN, CHRISTOPHER LAREAU,
and VUE ROBOTICS, LLC,

Defendants.

Civ. Action No. 1:22-cv-00401-SE

ASSENTED-TO MOTION TO SEAL

Defendants and Counterclaim-Plaintiffs Christopher Lareau (“Lareau”) and Vue Robotics, LLC (“Vue Robotics”) (collectively, “Counterclaim-Plaintiffs”), by and through their undersigned counsel, and pursuant to L. R. 83.12 and the Protective Order entered in this case (**Doc. 28**), respectfully request their First Amended Counterclaim and Exhibit G thereto (collectively, the “Confidential Documents”) be filed under seal with the Court. This request is consistent with how the parties and the Court previously treated Counterclaim-Plaintiffs’ initial Counterclaims. Granting this Motion would allow for the entry of the First Amended Counterclaims with redactions that are similar to those already present in the docket, with one addition, which is described below.

1. On or about March 13, 2024, Counterclaim-Plaintiffs filed an Assented-to Motion to File Counterclaims (**Doc. 59**). On or about March 18, 2024, Plaintiff Frost Solutions filed a Motion to Seal Portions of Defendants’ Proposed Counterclaim and Exhibit G Thereto (**Doc. 63**). The docket does not reflect that the Court formally granted Plaintiff’s Motion to Seal, but after the Court granted Counterclaim-Plaintiffs’ request for leave to file their Counterclaims, the Counterclaims were entered into the docket with the redactions Plaintiff requested in its Motion to Seal. *See Doc. 72.*

2. Counterclaim-Plaintiffs now file an Assented-to Motion to Amend their Counterclaims. Much of the original Counterclaim has not changed; the amendment primarily adds new claims that have emerged since the initial filing. Therefore, the proposed Amended Counterclaims contain the same text and Exhibit G that Plaintiff sought to have filed under seal and that were filed previously in redacted form.

3. By this Motion, Counterclaim-Plaintiffs seek to preserve the redactions that exist in the initial Counterclaim if/when the Amended Counterclaim is accepted.

4. When Plaintiff filed its Motion to Seal (Doc. 63), Plaintiff argued that Exhibit G to the Counterclaim contained “sensitive financial and business information relating to the number of customer contracts and the approximate amount of annual revenue those contracts were estimated to generate for Frost Control, the predecessor to Plaintiff Frost Solutions..., as well as the amount of indebtedness Frost Control owed to a third party.” *Id.* Plaintiff posited that the redacted material is “non-public information, the disclosure of which could harm Plaintiff’s competitive standing in the industry.” *Id.*

5. When Plaintiff filed its Motion to Seal, Plaintiff argued that the redacted information in the Counterclaim itself “contains reference to the transition of assets of Frost Control to a third party,” and the personal cell phone number for a principal of Frost Solutions, Michael Kirsh. Plaintiff posited that “[t]his material contains confidential business and personnel information, the disclosure of which could harm Plaintiff’s competitive standing in the industry and invade the privacy interests of Mr. Kirsh, respectively.” *Id.*

6. Counterclaim-Plaintiffs have no objection to filing the same information under seal in the Amended Counterclaim, solely in order to maintain the manner in which the pleadings were treated previously.

7. The proposed Amended Counterclaims feature one additional redaction, one that was not present in the initial Counterclaim because it relates to newly added allegations. Counterclaim-Plaintiffs wish to redact their allegation as to the approximate percentage of Vue's business attributable to a third party, TAPCO. *See* Paragraph 157 in the Proposed Amended Counterclaim. The percentage of revenue Vue secures from an important marketer and reseller, TAPCO, constitutes important and sensitive information, the disclosure of which would put Vue at a competitive disadvantage. The proposed redaction is narrow – redacting only the numerical percentage – while leaving the remainder of the paragraph open for public view, thereby balancing the competing interests of protecting sensitive information and honoring the public's right to access.

8. Therefore, Counterclaim-Plaintiffs request leave to file under seal **Exhibit A** to Counterclaim-Plaintiffs' Motion to Amend Counterclaim, which is a redacted version of a First Amended Counterclaim and Jury Demand. The redactions are consistent with the redactions contained in the initial Counterclaim, along with the additional redaction of the percentage of revenue Vue receives from an important marketer and reseller of its products.

9. Counterclaim-Plaintiffs also request leave to file under seal **Exhibit G** to Counterclaim-Plaintiffs' proposed Amended Counterclaim. Exhibit G is a true and accurate copy of the June 23 Letter Claims, which is described in the Counterclaim and Amended Counterclaim. This Exhibit G was previously filed under seal, at Plaintiff's request, when the initial Counterclaim was accepted into the docket.

10. Given the relief requested herein, Counterclaim-Plaintiffs assert that no memorandum of law is required.

11. Pursuant to L.R. 7.1(c), the undersigned certifies that Frost Solutions, LLC assents to the relief requested in the Motion to Seal.

WHEREFORE, Counterclaim-Plaintiffs respectfully request that this Court:

- A. Seal Exhibit A to Counterclaim-Plaintiffs' Motion to Amend Counterclaim;
- B. Seal Exhibit G to the proposed Amended Counterclaims; and
- C. Grant such other and further relief as may be equitable and just.

Respectfully submitted,

**PATRICK BAGLIEN, CHRISTOPHER LAREAU,
AND VUE ROBOTICS, LLC,**

By their attorneys

Sheehan Phinney Bass & Green, P.A.

Dated: February 5, 2025

By: /s/ James P. Harris

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CERTIFICATE OF SERVICE

I hereby certify that this pleading was served on this date on all parties of record through the Court's electronic filing system.

/s/ James P. Harris
David W. McGrath